

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RACE DAY STABLE, LLC, :

Index No.: 08 CIV 4220 (PKC)

Plaintiff, :

-against- :

EBERT VANS INC. and  
WILLIAM TERRILL, :

Defendants. :  
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**AFFIRMATION OF SERVICE**

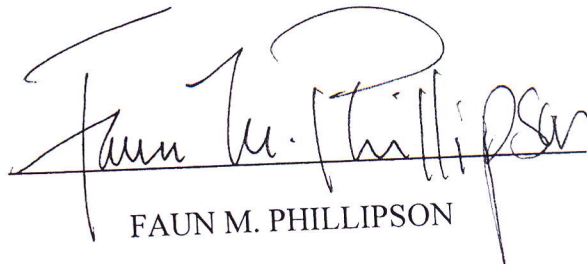
Faun M. Phillipson, an attorney duly admitted to practice law before the Courts of the State of New York and the United States District Courts for the Eastern and Southern Districts of New York, and a member of the firm of PHILLIPSON & URETSKY, LLP, attorneys for Plaintiff in the within action, affirms as follows under penalties of perjury:

On July 31, 2008, I caused the following:

- Second Amended Complaint and supporting Exhibit "A";

to be served upon Howard M. Lefkowitz, Esq., Attorney for Defendants, at the Law Office of Howard M. Lefkowitz, 32 Flag Hill Road, Chappaqua, NY 10514, the address indicated for service, by first class mail by depositing the same in a properly addressed postage pre-paid wrapper and placing the same in a depository maintained by the United States Postal Service and addressed as aforesaid.

Dated: July 31, 2008

  
FAUN M. PHILLIPSON